

RENTAL ASSISTANCE DEMONSTRATION (RAD)

FACT SHEET #8: RENEWING YOUR LEASE

WHAT IS RAD?

The **Rental Assistance Demonstration (RAD)** is a program of the Department of Housing and Urban Development (HUD) that seeks to **preserve affordable housing**.

Public housing units across the country need more than \$26 billion in repairs and many public housing agencies (PHAs) do not have enough money to keep units in good condition. RAD provides PHAs a way to repair units without depending on additional money from the government.

RAD allows PHAs to convert a public housing property's HUD funding to either:

- **Section 8 project-based voucher (PBV); or**
- **Section 8 project-based rental assistance (PBRA).**

This conversion of funding type lets PHAs borrow money to make needed repairs.



WHAT IS A LEASE?

A **lease** is a legally binding contract between your PHA and you, the tenant. The lease explains the rules for living in your unit. In public housing,

FACT SHEETS FOR PUBLIC HOUSING RESIDENTS

This series of fact sheets will help public housing residents learn about RAD. All fact sheets are posted on RAD's website at www.hud.gov/rad, under the 'Residents' tab. This fact sheet discusses RAD rules related to the renewal of your lease.

HUD requires that your lease contain certain information, including:

- The names of everyone living in the unit,
- The address of your unit,
- The start and end date of the lease,
- What you must pay the PHA, including rent, security deposit, late fees for unpaid rent, or excess utility charges,
- What the PHA must provide for you, such as making sure that your housing is decent, safe, and sanitary,
- What you must do, including following rules and maintaining a clean and safe unit,
- Rules for annual and interim reexaminations of your family income,
- Rules for any changes needed to the lease, and
- Rules for lease termination or eviction.

WHAT ARE THE PUBLIC HOUSING RULES FOR RENEWING MY LEASE?

In public housing, your PHA must renew your lease each year, unless you give your PHA good cause not to do so. A PHA can have good **cause** if you have seriously or repeatedly broken the rules in your lease. In this case, your PHA may either:

- (1) not renew your lease upon expiration; or
- (2) end your lease at any time (following required procedures).

In public housing, if your PHA does not renew your lease, you have the right to file a **grievance** and request a hearing, unless the right is not provided under the terms of the lease, usually for criminal activity.

YOUR LEASE MAY NOT BE RENEWED OR MAY BE ENDED IF YOUR PHA HAS GOOD CAUSE, THAT IS IF YOU...

- **Fail to make payments** due under the lease, such as rent or utility payments.
- **Fail to follow the rules** listed in the lease, such as keeping your unit clean and safe.
- Are involved in **criminal activity or alcohol abuse**, depending on the type of the crime.
- Made **false statements** in your initial application or during your annual re-examination.
- **Do not accept changes** to an existing lease. For example, you fail to sign a lease addendum which increases late fees for a late rental payment.

HOW DOES RAD AFFECT THE LEASE RENEWAL PROCESS?

At conversion, you will be asked to sign a new lease. Under RAD, **your lease will continue to renew, unless good cause exists**. Under the PBV and PBRA programs, if the property owner needs to end your lease and has good cause, they must give you the same type of written notice as required in public housing.

Under RAD, if the property owner does not renew your lease, they will notify you of your ability to request an **informal hearing**, except in a few cases where the right is not provided under the lease (for example, for criminal activity). These rules are similar to the public housing rules. The owner will also need to follow state and local laws related to evictions.

TO END YOUR LEASE, YOUR PHA MUST GIVE YOU WRITTEN NOTICE:

Number of Days	Reason for Ending Lease
Reasonable period of time, but no more than 30 days	The health or safety of other residents or PHA employees is threatened. Drug-related activity, violent criminal activity, or a felony conviction.
14 days	Nonpayment of rent
30 days	All other cases

WHAT IF MY PHA STARTED AN EVICTION BEFORE RAD?

If your PHA sent you a lease termination notice and began your **eviction** process prior to RAD, the PHA must continue to follow all required procedures, such as allowing you to file a **grievance** and request a **hearing**. RAD does not allow the PHA to skip these steps and immediately evict you.

DEFINITIONS:

- **Cause** – Reason for not renewing your lease in cases when you seriously and repeatedly violate your lease terms.
- **Eviction** – The termination or non-renewal of your lease by the property owners. This action requires the tenant to leave your unit.
- **Grievance** – Any dispute you may have with a property owner involving your lease or owner actions that you believe negatively affect you.
- **Informal Hearing** – A hearing held when you, the tenant, do not agree with a decision made about your lease. The hearing is conducted by a neutral person.
- **Lease** - A legally binding contract between a property owner and you, the tenant, that explains the terms for living in your unit.
- **Lease Termination** – The process of ending your lease.
- **Renewal of Lease** - The process of making your lease effective for another year.